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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,699	08/22/2001	Satoru Okamoto	SEL 273	9139
7590	10/03/2003		EXAMINER	
COOK, ALEX, MCFARRON, MANZO CUMMINGS & MEHLER, LTD. Suite 2850 200 West Adams St. Chicago, IL 60606			DUONG, THOI V	
			ART UNIT	PAPER NUMBER
			2871	
			DATE MAILED: 10/03/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/934,699	OKAMOTO ET AL.
	Examiner Thoi V Duong	Art Unit 2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### P r i d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 July 2003.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 and 16-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 and 16-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1a</u> . | 6) <input type="checkbox"/> Other: _____                                     |

**DETAILED ACTION**

1. This office action is in response to the Amendment, Paper No. 10, filed July 15, 2003.

Accordingly, claims 1, 2, 19 and 28 were amended, and new claims 29-33 were added. Currently, claims 1-11 and 16-33 are pending in this application.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibamoto et al. (USPN 6,346,973 B1) in view of Friend et al. (USPN 5,399,502).

As shown in Figs. 1 and 2, Shibamoto discloses a portable electronic device (cellular phone) comprising:

a first liquid crystal display device 21 for displaying an image; and  
a second EL display device 31 comprising a touch input operation portion ,  
wherein the first display device and the second display device are attached to  
each other in a longitudinal direction so as to allow opening and closing (col. 5, lines 46-  
50); and

wherein the second display device displays one of a character and a symbol (col. 4, lines 55-59).

Since this portable electronic device is a cellular phone, it is obvious that a cover member is to be provided.

Shibamoto et al. discloses a portable electronic device that is basically the same as that recited in claims 1, 2, 6 and 7 except for an EL display having a plurality of pixels, each one of the plurality of pixels has a light emitting element. As shown in Figs. 2 and 3, Friend et al. discloses an EL display having a plurality of pixels (col. 12, lines 10-36), each one of the plurality of pixels has a light emitting element 4 (col. 7, lines 38-41) so as to produce a quality display with low cost of fabrication (col. 1, lines 43-60). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the portable electronic device of Shibamoto et al. with the teaching of Friend et al. by forming an EL display having a plurality of pixels, each one of the plurality of pixels has a light emitting element so as to obtain a good display image.

5. Claims 19, 20, and 23-27 are rejected under 35 U.S.C. 102(b) being unpatentable by Yabe et al. (USPN 4,809,078) in view of Friend et al. (USPN 5,399,502).

As shown in Figs. 1 and 2, Yabe discloses a portable electronic device comprising: a cover member comprising an EL panel 60 and a LCD panel 51 for displaying an image; and a reflection display device 22, wherein the cover member and the reflection display device are attached to each other so as to allow opening and

closing, and wherein the reflection display device is made to display by irradiating light emitted from the EL display device,

wherein the reflection display device and the LCD panel comprises a touch input operational portion (col. 4, lines 21-30, col. 5, lines 31-35);

wherein the EL display device picks up and displays an image (col. 1 lines 54-68, col. 2 lines 1-3); and

wherein the portable electronic device comprises an antenna 27 (communication function).

Yabe et al. discloses a portable electronic device that is basically the same as that recited in claims 19, 20 and 23-27 except for an EL display having a plurality of pixels, each one of the plurality of pixels has a light emitting element. As shown in Figs. 2 and 3, Friend et al. discloses an EL display having a plurality of pixels (col. 12, lines 10-36), each one of the plurality of pixels has a light emitting element 4 (col. 7, lines 38-41) so as to produce a quality display with low cost of fabrication (col. 1, lines 43-60). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the portable electronic device of Yabe et al. with the teaching of Friend et al. by forming an EL display having a plurality of pixels, each one of the plurality of pixels has a light emitting element so as to obtain a good display image.

6. Claims 28 and 31 are rejected under 35.U.S.C. 102(e) as being unpatentable by Lebby et al. (USPN 6,158,884) in view of Friend et al. (USPN 5,399,502).

As shown in Figs. 5 and 6, Lebby et al. discloses a portable electronic device comprising:

a first display device 46;

a second display device 44; and

a third display device 42 provided between the first display device and the second display device,

wherein the first display device, the second display device, and the third display device are attached to each other so as to allow opening and closing; and

wherein each of the first display device, the second display device, and the third display device is one of a liquid crystal display device and an EL display device 27 shown in Fig. 1B (col. 5, lines 62-67).

With respect to claim 31, the limitation "the first display device, the second display device, and the third display device are attached to each other in one location" is a design choice. It is obvious that, these three displays can be attached to each other in one location to facilitate the users if space is a problem.

Lebby et al. discloses a portable electronic device that is basically the same as that recited in claims 28 and 31 except for an EL display having a plurality of pixels, each one of the plurality of pixels has a light emitting element. As shown in Figs. 2 and 3, Friend et al. discloses an EL display having a plurality of pixels (col. 12, lines 10-36), each one of the plurality of pixels has a light emitting element 4 (col. 7, lines 38-41) so as to produce a quality display with low cost of fabrication (col. 1, lines 43-60). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention

was made to modify the portable electronic device of Shibamoto et al. with the teaching of Friend et al. by forming an EL display having a plurality of pixels, each one of the plurality of pixels has a light emitting element so as to obtain a good display image.

7. Claims 8-11, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibamoto et al. (USPN 6,346,973 B1) in view of Friend et al. (USPN 5,399,502) as applied to claims 1, 2, 6 and 7 and further in view of Mack II et al. (USPN 6,510,325 B1).

The portable electronic device of Shibamoto et al. as modified in view of Friend et al. above includes all that recited in claims 8-11, 21 and 22 except for an image pickup device and a system for identifying a user. As shown in Fig. 1A, Mack II et al. discloses a portable telephone comprising a speaker 4 and a microphone 3 (communication function), an image pickup device 7, and a system for identifying a thief in the event the portable telephone is stolen (col. 5, lines 2-27). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device of Shibamoto et al. with the teaching of Mack II et al. by forming an image pickup device and a system for identifying a user so as to provide for automatic user notification and avoid further theft of services.

8. Claims 3 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibamoto et al. (USPN 6,346,973 B1) in view of Friend et al. (USPN 5,399,502) as applied to claims 1, 2, 6 and 7 above and further in view of Lebby et al. (USPN 6,158,884) and Mack II et al. (USPN 6,510,325 B1).

The portable electronic device of Shibamoto et al. as modified in view of Friend et al. above includes all that is recited in claims 3 and 18 except for a third display device comprising an image pickup device and a system for identifying a user. As shown in Figs. 5 and 6, Lebby et al. discloses a portable electronic device comprising:

- a first display device 46;
- a second display device 44; and
- a third display device 42 provided between the first display device and the second display device,

wherein the third display device is one of a liquid crystal display device and an EL display device 27 shown in Fig. 1B (col. 5, lines 62-67).

Meanwhile, as shown in Fig. 1A, Mack II et al. discloses a portable telephone comprising an image pickup device 7, and a system for identifying a thief in the event the portable telephone is stolen (col. 5, lines 2-27).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device of Shibamoto et al. with the teaching of Lebby et al. and Mack II et al. by forming a third display device comprising an image pickup device and a system for identifying a user so as to provide for automatic user notification and avoid further theft of services.

9. Claims 29, 30, 32 and 33 are rejected under 35 U.S.C. 102(e) as being unpatentable by Lebby et al. (USPN 6,158,884) in view of Friend et al. (USPN 5,399,502) as applied to claims 28 and 31 and further in view of Mack II et al. (USPN 6,510,325 B1).

The portable electronic device of Lebby et al. as modified in view of Friend et al. above includes all that recited in claims 29, 30, 32 and 33 except for an image pickup device and a system for identifying a user. As shown in Fig. 1A, Mack II et al. discloses a portable telephone comprising an image pickup device 7 and a system for identifying a thief in the event the portable telephone is stolen (col. 5, lines 2-27). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device of Lebby et al. with the teaching of Mack II et al. by forming an image pickup device and a system for identifying a user so as to provide for automatic user notification and avoid further theft of services.

10. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibamoto et al. (USPN 6,346,973 B1) in view of Friend et al. (USPN 5,399,502) as applied to claims 1, 2, 6 and 7 above and further in view of Katsura (USPN 6,377,324 B1).

The portable electronic device of Shibamoto et al. as modified in view of Friend et al. discloses all that is basically the same as that recited in claims 4 and 5 except for the first display device comprising a touch input operation portion. As shown in Fig. 1, Katsura discloses a portable electronic device comprising a first liquid crystal display (LCD) device 2 for displaying an image; and a second LCD device 1 comprising a touch input operational portion (col. 5, lines 13-16), wherein the first display device also comprises a touch input operational portion (col. 5, lines 13-16). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made

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to modify the device of Shibamoto with the teaching of Katsura by providing the first display device with a touch input operation portion so as to facilitate the user.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (703) 308-3171. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (703) 305-3492.

Thoi Duong

09/15/2003

  
ROBERT H. KIM  
SUPPLEMENTARY EXAMINER  
TECHNOLOGY CENTER 2800